



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First Account and Report of Conservator, (2) Petition for Allowance of Fees for Attorney and (3) Petition for Waiver of Further Accounting (Prob. C. 2620, 2623, 2640, 2942)

DOD: 05/05/09		PAT MIRANDA , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 06/18/12</u> As of 07/17/12, no additional documents have been filed and following items remain: 1. Need Order. 2. Previous status reports filed in this matter indicate that the conservatee died on 05/05/09, this account only covers the period from 08/21/03 – 07/18/06. Need accounting for period of 07/19/06 – 05/05/09. 3. Distributions reflect monthly payment to Conservator, Pat Miranda, of \$400.00 for <u>room and board</u> ; however, there are multiple distributions to grocery stores as follows: - 10/11/03 Food Maxx - \$186.09 - 10/28/03 Savemart - \$36.70 - 11/08/03 Savemart - \$89.47 - 01/05/03 Savemart - \$65.30 - 02/02/04 RN Market - \$70.31 - 05/12/04 Food 4 Less - \$87.06 - 06/24/04 Savemart - \$87.65 - 07/12/04 Savemart - \$86.83 - 08/02/04 RN Market - \$43.37 - 08/05/04 Food Maxx - \$88.14 - 09/16/04 Vons - \$59.64 - 01/12/05 RN Market \$58.40 Court may require clarification of charges at grocery stores, were these groceries purchased for the Conservatee? Was food not included in the <u>Room & Board</u> charge? Also there are payments to PG&E as follows: - 01/15/04 \$200.00; 03/04/04 \$167.01; 08/20/04 \$150.00; 09/20/04 \$100.00; 12/17/05 \$150.00; 01/07/05 \$100.00; 02/08/05 \$150.00; 03/08/05 \$150.00; 04/05/05 \$100.00; 05/06/05 \$100.00; 07/11/05 \$155.45; 10/06/05 \$100.00. Was PG&E not included in the room & board payment, if not, why aren't payments made each month. The court may require more information. <div style="text-align: center;">Continued on Next Page</div>
		Account period: 08/21/03 – 07/18/06	
		Accounting - \$51,525.40	
		Beginning POH - \$22,168.18	
		Ending POH - \$381.16	
Cont. from 032712, 050712, 061812			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Conservator - waives Attorney - \$2,000.00 (ok per Local Rule) Petitioner states that there are no assets remaining in the estate and requests that the Conservatorship be terminated. Petitioner requests an Order: 1. Approving, allowing, and settling the first account; and 2. Authorizing payment of attorney's fees;			
Reviewed by: JF Reviewed on: 07/17/12 Updates: Recommendation: File 1 - McCaslin			

4. Distributions schedule has several additional items that are unexplained and/or require more information showing how they benefited the conservatee, those items are as follows:
- 09/23/03 – Walgreens \$116.10
 - 10/11/03 – Simonian Farms \$14.08
 - 11/03/03 – SBC \$113.27
 - 11/03/03 – Target \$119.80
 - 11/03/03 – Sears \$87.31
 - 11/03/03 – Sears \$21.58
 - 11/13/03 – Walmart \$82.90
 - 12/22/03 – Target/Gift Cert. for x-mas \$167.30 – See CRC 7.1059 (b)(3)
 - 02/09/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 04/17/04 – Walgreens \$72.36
 - 04/20/04 – Transfer to Acct. XXXXXX-8485 \$1,700.00 – Is this another account of the conservatee?
 - 04/26/04 – Sears \$228.31
 - 05/13/04 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 05/22/04 – Down payment on El Camino \$1,000.00 – Did the Conservatee drive? Was this car for the conservatee?
 - 06/03/04 – Carol Howard \$35.00
 - 06/05/04 – Walmart \$246.24
 - 07/16/04 – Chapel of the Light \$450.00
 - 08/03/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 09/01/04 – Savings Overdraft Fee \$10.00 – see CRC 7.1059(b)(1)
 - 10/10/04 – Walmart \$99.92
 - 10/21/04 – Wells Fargo Financial - \$70.00
 - 10/27/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
 - 11/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
 - 11/08/04 – Walter Clarke & Assoc. \$150.00
 - 11/08/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 12/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
 - 12/15/04 – Transfer to Acct. XXXXXX-8485 \$1,200.00 – Is this another account of the conservatee?
 - 01/03/05 – Transfer to Acct. XXXXXX-8485 \$500.00 – Is this another account of the conservatee?
 - 01/12/05 – Walmart \$43.33
 - 01/14/05 – Rite Aid \$29.40
 - 01/14/05 – Transfer to Acct. XXXXXX-8485 \$150.00 – Is this another account of the conservatee?
 - 01/14/05 – Savings overdraft fees - \$10.00 - see CRC 7.1059(b)(1)
 - 01/21/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
 - 01/24/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
 - 01/25/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
 - 02/04/05 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 02/15/05 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$500.00 – Is this another account of the conservatee?
 - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 03/03/05 – Overdraft fee - \$22.00 - see CRC 7.1059(b)(1)
 - 03/04/05 – Check 1156 payee not listed \$50.00
 - 03/10/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 03/14/05 – Check 1157 payee not listed \$25.00
 - 03/18/05 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
 - 04/05/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 04/07/05 – Transfer to Acct. XXXXXX-8485 \$200.00 – Is this another account of the conservatee?
 - 04/08/05 – Check 1159 payee not listed \$507.25
 - 04/18/05 – Overdraft fee \$10.00 - see CRC 7.1059(b)(1)
 - 04/18/05 – Check 1160, payee not listed \$250.00

04/29/05 - Transfer to Acct. XXXXXX-8485 \$10.00 - Is this another account of the conservatee?
05/05/05 - Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
05/16/05 - Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?
06/03/05 - Check 1161, payee not listed \$500.00
06/16/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
06/16/05 - Check 1162, payee not listed \$505.50
06/16/05 - Check 1163, payee not listed \$60.00
07/01/05 - Share of Cost of IHSS - \$377.00
07/12/05 - Check 1164, payee not listed \$20.00
07/12/05 - Check 1165, payee not listed \$10.00
07/11/05 - Check 1166, payee not listed \$10.00
07/15/05 - Check 1167, payee not listed \$30.00
07/21/05 - Transfer to Acct. XXXXXX-8485 \$60.00 - Is this another account of the conservatee?
07/22/05 - Check 1168, payee not listed \$27.96
07/26/05 - Check 1169, payee not listed \$25.00
07/27/05 - Overdraft fee - \$22.00
07/29/05 - Overdraft fee - \$5.00
08/04/05 - Share of cost IHSS - \$377.00
08/08/05 - Check 1170, payee not listed \$500.00
08/16/05 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
09/15/05 - Share of cost IHSS - \$377.00
09/16/05 - Check 1171, payee not listed \$500.00
09/28/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
10/04/05 - Share of cost IHSS - \$377.00
10/07/05 - Check 1172, payee not listed \$50.00
10/11/05 - Check 1173, payee not listed \$150.00
10/13/05 - Online transfer to Pat Miranda - \$100.00
10/17/05 - Check 1174, payee not listed \$250.00
11/17/05 - Online transfer, payee not listed \$589.00
11/21/05 - Check 1301, payee not listed \$352.50
11/22/05 - Check 1302, payee not listed \$65.00
12/09/05 - Pat Miranda, IHSS \$589.00
12/12/05 - Check 1303, payee not listed \$25.00
12/29/05 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?
01/03/06 - Pat Miranda, Share of Cost IHSS - \$589.00
01/10/06 - Arizona Mail Order - \$50.00
01/20/06 - Check 1304, payee not listed \$25.00
01/20/06 - Check 1305, payee not listed \$50.00
01/31/06 - Check 1306, payee not listed \$6.94
02/03/06 - Pat Miranda, Share of Costs IHSS - \$589.00
02/07/06 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
02/08/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)
02/14/06 - Bill Pay Arizona Mail order - \$10.00
03/03/06 - Pat Miranda, share of costs IHSS - \$589.00
03/06/06 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?
03/06/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
03/07/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)
03/22/06 - Transfer to Acct. XXXXXX-8485 \$50.00 - Is this another account of the conservatee?
04/03/06 - Pat Miranda, share of costs IHSS - \$589.00
04/04/06 - Check 1308, payee not listed \$20.00
04/05/06 - Transfer to Acct. XXXXXX-8485 \$75.00 - Is this another account of the conservatee?

04/19/06 – Check 1309, payee not listed \$25.00
04/24/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?
04/24/06 – Bill Pay Arizona Mail Order \$10.00
05/08/06 – Pat Miranda, Share of costs IHSS \$402.00
05/11/06 – Merrick Bank Credit Card Payment \$310.76 – Is this the conservatee's credit card?
05/24/06 – Check 1311, no payee listed \$15.00
05/26/06 – Check 1312, no payee listed \$638.00
06/13/06 – Check 1313, no payee listed \$638.00
07/14/06 – Check 1315, no payee listed \$1,224.00
07/14/06 – Transfer to Checking? \$350.00

Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq)

DOD: 9/20/03	CRYSTAL RUTH PUCKETT , daughter and sole heir, was appointed as Administrator without bond on 11/18/2003 and Letters issued. I & A - \$395,387.86 The first or final account was due in November 2004 and has not been filed. This status hearing was set for the filing of the first account or petition for final distribution. Notice of the status hearing was mailed to attorney, Curtis Rindlisbacher on June 14, 2012.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/17/12
		Updates:
		Recommendation:
		File 3 - Swope

4A Jack H. Boghosian (Estate)
Atty Kruthers, Heather H (for Petitioner Public Administrator)
Atty Bagdasarian, Gary (for beneficiary California Armenian Home)
Atty Mosenbocker, Gary (for beneficiary Trinity Home Health Services)
Atty Poochigian, Mark (for Mike Shahinian)

Case No. 11CEPR01034

**Petition for Probate of Will and for Letters of Administration with Will Annexed;
 Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 10/18/11	PUBLIC ADMINISTRATOR is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	PUBLIC ADMINISTRATOR was appointed Special Administrator with general powers on 2/16/2012. Letters of Special Administration expire on 7/23/12.		Note: Additional analysis of this matter was completed by the research attorney. These examiner notes were prepared prior to the research attorney's involvement. Continued from 6/18/12.
Cont. from 011912, 021612, 040512, 050212, 060612, 061812			
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.		1. Petition requests that the Decedent's audio Will dated 9/2/1993 be admitted to probate. Probate Code §6110 states in relevant part "a will shall be in writing." Need authority that allows the court to admit an audio will to probate. – Memorandum of Points and Authorities filed on 2/1/2012 by the California Armenian Home. 2. Need proof of holographic instrument for the handwritten notations on the will if the court is going to consider said handwritten notations as a codicil to the decedent's witnessed will. – Declaration of Herbert I. Levy filed on 3/29/12 states he has known Mr. Boghosian approximately 55 years. He has listened to the audio tape and it is very apparent to him that the voice on the tape is that of Mr. Boghosian.
<input checked="" type="checkbox"/> Verified	Will dated: 8/11/1972 Audio Will dated: 9/2/1993		
<input type="checkbox"/> Inventory	Residence: Fresno Publication: Fresno Business Journal		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.	Estimated value of the Estate:		
<input type="checkbox"/> Pers.Serv.	Personal property - \$464,027.00		
<input type="checkbox"/> Conf. Screen	Real property - \$130,000.00		
<input checked="" type="checkbox"/> Letters	Total - \$594,027.00		
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections	Probate Referee: STEVEN DIEBERT		
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: KT
			Reviewed on: 7/17/12
			Updates:
			Recommendation:
			File 4A - Boghosian

4A

Memorandum of Points and Authorities in Support of Petition for Probate filed by the California Armenian Home on 2/1/12.

A holographic codicil may be placed on the face of a witnessed will, and is valid if it meets the requisites of a holographic instrument (written in the testator's hand, dated and signed). [*Estate of Nielson* (1980) 105 Cal.App.3d 796, 802-805] Witkins defines "codicil" as "a later testamentary instrument or entry on an original testamentary instrument that supplements or otherwise affects its validity or terms." [14 Witkin, *Summary of California Law* (10th ed.(2005), Wills, § 159]

The handwritten notation of Mr. Boghosian on the face of his witnessed will appears to constitute a holographic codicil, since it appears to be in his handwriting, is dated and signed, and supplements or otherwise affects the validity or terms of his earlier witnessed will.

A holographic codicil may incorporate by reference another writing (formal or informal, attested or unattested) as long as the reference is unmistakable or can be deemed unmistakable by reference to extrinsic evidence. [*In re Foxworth's Estate* (1966) 240 Cal.App.2d 784, 788] The required elements to establish incorporation by reference are: (1) the incorporated writing must be in existence at the time the codicil makes reference to it; (2) the codicil must identify the incorporated writing by a sufficiently certain description, and extrinsic evidence is admissible to aid the identification; and, (3) it must appear that the testator intended to incorporate the writing for the purpose of carrying out his testamentary desires. [*id.* at pages 788-789]

The handwritten notation of Mr. Boghosian on his witnessed will appears to constitute a holographic codicil that incorporates by reference two separate writings for the purpose of carrying out his testamentary desires.

First, the holographic codicil incorporates the tape recording that Mr. Boghosian specifically identifies and states that he "made" on September 2, 1993 "to supersede" his witnessed will. This establishes the elements of existence, identification and intent. The element of identification is also established by the extrinsic evidence consisting of Mr. Boghosian's handwritten notations on the tape itself, and on the envelope in which his witnessed will and tape were found.

Second, the holographic codicil incorporates Mr. Boghosian's witnessed will by referring to "this will" as the testamentary instrument he sought to "supersede" with the tape recorded instructions.

Finally, the tape recording should be considered a proper matter to be incorporated by reference notwithstanding that case law on the issue generally refers to "documents" being incorporated by reference. Probate Code § 6130 governs incorporation by reference, and refers to a "writing" as the type of matter which may be incorporated by reference (not a "document" or "paper"). The Probate Code does not define the word "writing" and does not exclude probate proceedings from the rules of evidence, so the provisions of the Evidence Code may be applied to determine the meaning of the word "writing" used in Probate Code § 6130. [Evidence Code § 300; and see, *Estate of Nicholas* (1986) 177 Cal.App.3d 1071, 1088]

Evidence Code § 250 provides the following definition for the word "writing:'

"'Writing' means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting, by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereby created, regardless of the manner in which the record has been stored."

Tape recordings are considered "writings" under the Evidence Code. [*Darley v. Ward* (1980) 28 Cal.3d 257,261] Since the tape recording made by Mr. Boghosian is a "writing" it is subject to being incorporated by reference in his holographic codicil.

Therefore, request is made that the Will of Jack H. Boghosian dated August 11, 1972 be admitted with the taped testamentary document described in Attachment 3e(2) to the Petition of the Fresno County Public Administrator as the codicil of the Decedent.

Memorandum of Points and Authorities filed by Trinity Home Health Services dba Saint Agnes Home Health and Hospice, beneficiary filed on 2/14/12.

Atty Kruthers, Heather H (for Petitioner Public Administrator)

Atty Bagdasarian, Gary (for beneficiary California Armenian Home)

Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)

Atty Poochigian, Mark (for Mike Shahinian)

Petition for Approval of Settlement Agreement

		MIKE SHAHINIAN , intestate heir, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.
Cont. from 060712, 060712			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 7/17/12	
		Updates:	
		Recommendation:	
		File 4B - Boghosian	

4B

Atty Kruthers, Heather H (for Petitioner Public Administrator)

Atty Bagdasarian, Gary (for beneficiary California Armenian Home)

Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)

Atty Poochigian, Mark (for Mike Shahinian)

**Notice of Demurrer and Demurrer to Petition for Probate of Will and for
Letters of Administration With Will Annexed**

		MIKE SHAHINIAN , intestate heir, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.
Cont. from 060712			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 7/17/12	
		Updates:	
		Recommendation:	
		File 4C - Boghosian	

4C